IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.336 OF 2004

Abdul Gani Bhikan Ahmed ..Petitioner.
Vs.
Zilla Sainik Welfare Office & Ors. .. Respondents.

...

Mr. A.N. Mulla for the Petitioner.
Mr. S.S. Pakale for Respondent Nos.1 and 2.
Mr. C.R. Sonawane, Assistant Government Pleader for Respondent No.3.

...

CORAM:KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

3rd April, 2006.

P.C. :

1. The Petitioner who was initially recruitted in Royal Indian Engineers, Department of Military known as 2 T. T. C. Jalandhar camp, Punjab as I. C. Driver and took part in the IInd World War defending India under British supervision, has filed this Petition with a prayer for direction to the Respondents to release the pension and other benefits to the Petitioner as per the relevant Government Resolution dated 20th January, 1991.

2. In the affidavint in reply filed on behalf of Respondent No.1

by Ex-Captain P.A. Sonawane, Zilla Sainik Welfare Officer, it has been pointed out that by the order dated 17th February, 2004 the Petitioner has been sanctioned pension at the rate of Rs.300/- per month from 1st October, 1989 to 31st December, 1998 and Rs.600/- per month from 1st January, 1999 onwards. It has also been stated that the monthly pension is being credited to the Petitioner's Account with the State Bank of India, Dwarka Branch, Nashik. In view of this, the relief prayed for by the Petitioner has in fact been satisfied. Therefore, nothing further is required to be done in the matter. The learned counsel appearing for the Petitioner, however, has prayed to grant him interest at the rate of 12%. According to him, the Petitioner has been made to move from pillar to post and it is only after the Petition is filed, the Respondents have released the amount of pension. However, considering the contention of the Respondents in the affidavit in reply, we are of the view that the Petitioner has submitted his application only on 14th February, 2002 for ex-gratia pension payable to ex-servicemen and since the records of the Petitioner being very old, they could provide only brief particulars of the Petitioner, which were not sufficient to finalize the scrutiny of the pension papers of the Petitioner, this explanation, in our opinion, appears to be quite just and proper and

therefore, it is not desirable to grant interest at the rate of 12% from the date of the Government Resolution dated 20th January, 1991 as prayed by the Petitioner. In view of the fact that there are many ex-servicemen similarly situated like the Petitioner seeking for their IInd World War Pension, the Respondents should expedite the disposal of their cases instead of waiting for the concerned army men to approach the Court and to obtain orders in their favour. With these observations, no inconvenience shall be caused if we pass the following order :

Respondent No.1 shall pay a lump sum amount quantified at Rs.5,000/- as special compensation over and above the regular ex-gratia pension to be credited to the Petitioner's Pension Account within three months from today.

The Petition stands disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.